

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN (Detroit)**

In re:
Regina Cheri Parks

Debtor.

Chapter 13 No. 18-56448-pjs

Hon. Phillip J. Shefferly

**OBJECTION TO DEBTOR'S MOTION TO EXTEND THE AUTOMATIC STAY
BEYOND THIRTY DAYS PURSUANT TO 11 U.S.C. 362(C)(3)(B)**

NOW COMES, Creditor, Deutsche Bank National Trust Company, as Trustee, on behalf of the registered holders of First Franklin Mortgage Loan Trust 2006-FF1, Mortgage Pass-Through Certificates, Series 2006-FF1, by and through its attorneys, Trott Law, P.C., and shows unto this Honorable Court as follows:

1. Creditor is a holder of a mortgage on property owned by the Debtor and located at 6036 Jennifer Cres, West Bloomfield, MI 48324;
2. That the Debtor filed this current and fourth bankruptcy on December 7, 2018 and a Motion to Extend the Automatic Stay was filed on December 14, 2018;
3. The Debtor's first filing, Chapter 13 case number 08-62433, was filed on September 16, 2008 and dismissed, prior to confirmation, on November 19, 2008 upon the filing on the Trustee's Notice of Default for the Debtor's failure to comply with the Order Adjourning Section 341 Meeting of Creditors.
4. The Debtor's second filing, Chapter 13 case number 10-73515, was filed on November 1, 2010 and converted to a Chapter 7 on January 23, 2011 prior to confirmation. The Debtor received a discharge on June 27, 2011 without reaffirming the mortgage.
5. The Debtor's third filing, Chapter 13 case number 18-51806, was filed on August 24, 2018 and dismissed, prior to confirmation on November 9, 2018 upon oral motion of the Trustee. At the time of dismissal the Debtor had a 0% payment history.

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6. Pursuant to Creditor's records the property was scheduled to proceed to foreclosure sale on December 11, 2018 and it appears the Debtor filed her current bankruptcy in a further attempt to frustrate this Creditor from exercising its state court remedies.

7. Pursuant to Creditor's records the loan is contractually due for February 1, 2016 with on-going payments of \$1,224.34 and a pre-petition mortgage arrearage of approximately \$48,684.52;

8. That pursuant to 11 U.S.C. §362 (c)(3)(C)(II), this current Chapter 13 is not filed in good faith as the previous case was dismissed within a one-year period for failure to make plan payments;

9. That pursuant to 11 U.S.C. § 362 (c)(4)(D)(II)(ii), this case was not filed in good faith and this presumption has *not* been rebutted by the Debtor's Motion to Extend the Automatic Stay. In addition, the Debtor Affidavit filed on December 28, 2018 does not rebut the presumption as it fails to meet the request burden of establishing a change of circumstance;

10. 11 U.S.C. § 362 (c)(4)(D)(II)(ii) reads in relevant part:

[A] case is presumptively filed not in good faith ...as to any creditor that commenced an action under subsection (d) in a previous case in which the individual was a debtor, if, as of the date of dismissal of such case, such action was still pending or had been resolved by terminating, conditioning, or limiting the stay as to such action of such creditor.

11. There has not been a substantial change in the financial or personal affairs of the Debtor since the dismissal of the last case or any reason to conclude that this case will be concluded with a confirmed plan that will be fully performed;

12. That Creditor has been unreasonably prejudiced by these successive bankruptcy filings and the Debtor lacks the ability or the intent to comply with a plan of reorganization;

13. Further, pursuant to the Debtor's current Schedule I and J, filed on December 20, 2018, she has a gross monthly income of \$6,117.00 and net monthly income of \$1,718.00.

14. The Creditor questions the feasibility of this current filing as the Debtor's plan payment would need to be a minimum of \$2,198.60 to fund the plan. In addition, the Debtor's income is from self-employment and contributions from Woodrow Myree. Creditor request proof of income in the form of bank account statements to verify the existence of said income;

15. That due to the loans delinquent status Creditor has been forced to advance a substantial amount of funds towards property taxes and hazard insurance;

16. That the Debtor's current case is not feasible and has not been filed in good faith pursuant to 11 U.S.C. § 362 (c)(3)(C);

17. That the Debtor's current case is not feasible and has not been filed in good faith pursuant to 11 U.S.C. § 362 (c)(3)(C)(I), 11 U.S.C. § 362 (c)(3)(C)(II) and § 11 U.S.C. § 362 (c)(4)(D)(II)(ii);

18. That Creditor requests that automatic stay is not extended to the Debtor or the subject property;

19. That Creditor requests a 180 day bar on any future bankruptcy filings by the Debtor;

20. That Creditor requests that automatic stay is not extended as to this Creditor or as to the subject property;

WHEREFORE, Creditor respectfully requests that the Court deny the Debtor's request to extend the automatic stay pursuant to 11 U.S.C. § 362(4) (D) and whatever other relief the Court deems just and equitable.

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Respectfully Submitted,
TROTT LAW, P.C.

Dated: January 3, 2019

Crystal L. Price

/s/ Crystal Price-Buckley (P69921)

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of the registered holders of First
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